

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

**CSX TRANSPORTATION, INC.,  
individually and on behalf of  
NORFOLK AND PORTSMOUTH BELT LINE  
RAILROAD COMPANY,**

**Plaintiff,**

**v.**

**Civil Action No. 2:18-cv-530-MSD-LRL**

**NORFOLK SOUTHERN RAILWAY  
COMPANY, *et al.*,**

**Defendants.**

**DEFENDANT NORFOLK AND PORTSMOUTH BELT LINE RAILROAD  
COMPANY'S RESPONSE TO DEFENDANTS JERRY HALL, THOMAS  
HURLBUT AND PHILLIP MERILLI'S MOTION TO DISMISS  
UNDER FED. R. CIV. P. 12(b)(1) BASED ON MOOTNESS**

Norfolk and Portsmouth Belt Line Railroad Company ("NPBL") hereby responds to the Motion to Dismiss Defendants Jerry Hall, Thomas Hurlbut and Phillip Merilli under Fed. R. Civ. P. 12(b)(1) Based on Mootness. NPBL supports dismissal of CSXT's claims against all individual defendants, as there is no basis for the claims that CSXT asserts or the relief that CSXT seeks.

Date: February 20, 2020

Respectfully submitted,

**NORFOLK PORTSMOUTH BELT LINE  
RAILROAD COMPANY**

/s/ James L. Chapman

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 20, 2020, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which sent a notification of such filing (NEF) to the registered participants as identified on the NEF to receive electronic service, including:

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